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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: South Africa

1. At its 609th, 610th and 611th meetings (see CRC/C/SR.609, 610 and 611), held on 25 and 26 January 2000, the Committee on the Rights of the Child considered the initial report of South Africa (CRC/C/51/Add.2), which was submitted on 4 December 1997, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and provided a critical assessment of the situation of children. The Committee also welcomes the efforts of the State party to ensure that its initial report was submitted on time. The Committee takes note of the written replies to its list of issues (CRC/C/Q/SAFR.1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

* At the 615th meeting, held on 28 January 2000.

B. Positive aspects

3. The Committee expresses appreciation for the efforts made by the State party in the area of legal reform. In this regard, the Committee welcomes the new Constitution (1996), in particular article 28, which guarantees children a number of specific rights and freedoms also provided for under the Convention. Further, the Committee notes with appreciation the additional legislation enacted to bring about greater harmonization between domestic legislation and the Convention, including: the National Youth Amendment Act (1996); the Legal Aid Amendment Act (1996); the Criminal Procedure Amendment Act (1996); the Film and Publications Act (1996); the National Education Policy Act (1996); the Child Care Amendment Act (1996); the Abolition of Corporal Punishment Act (1997); the Divorce Courts Amendment Act (1997); the Establishment of Family Court Act (1997); the Maintenance Amendment Act (1997); the Natural Fathers of Children Born out of Wedlock Act (1997); and the Criminal Procedure Second Amendment Act (1997).

4. The Committee welcomes the implementation of a National Programme of Action (NPA) within the State party. In this regard, it welcomes the establishment of the National Programme of Action Steering Committee (NPASC) which is responsible for the identification of plans, the coordination and evaluation of programmes, and the periodic submission of progress reports to Cabinet on the implementation of the NPA as well as compliance obligations under the Convention. The Committee notes that the membership of the NPASC comprises representatives from various ministries and agencies involved in the promotion of the rights of children as well as representatives of civil society, including NGOs and the National Children's Rights Committee (NCRC) and UNICEF South Africa.

5. The Committee welcomes the establishment of the South African Human Rights Commission and the appointment of a director with responsibility for children's rights.

6. The Committee also welcomes the implementation of the "Human Rights Institutional Strengthening Project" with the support of the Office of the High Commissioner for Human Rights (OHCHR). The Committee notes that the project includes provision of advisory services to finalize the human rights training package developed by the South African Police Service (SAPS); publication of a pocket guide for police on human rights standards and practice; advice and assistance to the South African Human Rights Commission (SAHRC); advice and assistance to the Justice College of the Ministry of Justice in integrating human rights in the training curriculum for magistrates, prosecutors and other officials concerned with the administration of justice; and support to Fort Hare University in developing a series of human rights training workshops and establishing a documentation centre.

7. The Committee welcomes the State party's efforts in establishing a Children's Budget Project launched with the aim of developing an overall perspective on the Government's expenditure with respect to children's programmes and examining the impact of this expenditure on the lives of children.

8. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the enactment of the South African Schools Act (1996) which has led to enhanced participatory rights for children within the educational system; the right of children to

choose their own language of learning (multilingualism), and the abolition of corporal punishment in schools. The Committee also notes with appreciation the establishment of an integrated National Primary School Nutrition Programme intended to encourage enrolment and facilitate attendance of all children, especially those from economically disadvantaged families. The Committee also notes that under "Curriculum 2005", additional initiatives are envisaged within the school environment, including programmes to encourage non-discrimination and facilitate inclusion, especially of children with disabilities and those with HIV/AIDS. "Curriculum 2005" also aims to address the inequalities within the educational system established during apartheid.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee acknowledges the challenges faced by the State party in overcoming the legacy of apartheid which continues to have a negative impact on the situation of children and to impede the full implementation of the Convention. In particular, the Committee notes the vast economic and social disparities that continue to exist between various segments of society as well as the relatively high levels of unemployment and poverty which adversely affect the full implementation of the Convention and remain challenges for the State party.

D. Subjects of concern and recommendations of the Committee

1. General measures of implementation

Legislation

10. The Committee notes the efforts of the State party to bring about legal reform and to introduce measures to ensure greater conformity between domestic legislation and the Convention. The Committee also notes that the South African Law Commission is currently reviewing legislation as well as customary law with a view to introducing additional legal reform concerning, inter alia, the prevention of family violence, HIV/AIDS policies in school, the establishment of a new juvenile justice system, the expansion of the child-care system and the protection of sexually abused children. However, the Committee remains concerned that the law, and in particular customary law, still does not fully reflect the principles and provisions of the Convention. **The Committee encourages the State party to continue its efforts in the area of legal reform and to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention.**

Ratification of international human rights instruments

11. The Committee notes that the State party has not yet ratified the International Covenant on Economic, Social and Cultural Rights. The Committee is of the opinion that the ratification of this international human rights instrument would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction. **The Committee encourages the State party to reinforce its efforts to finalize the ratification of this instrument.**

Coordination

12. While the Committee notes the establishment of the National Programme of Action Steering Committee (NPASC) to coordinate the implementation of programmes relevant to the protection and care of children, it is concerned that insufficient effort has been made to ensure that adequate programmes are introduced at the community level. In this context, the Committee further expresses concern at the insufficient efforts made to involve community-based organizations in the promotion and implementation of the Convention. The Committee is also concerned about the lack of coordination between those ministries responsible for the implementation of the Convention. **The Committee recommends that the State party take effective measures to ensure that the programmes and activities of the NPASC are established in rural areas as well as at the community level. The State party is encouraged to take all effective measures to promote capacity-building among community-based organizations and to further facilitate their inclusion in the coordination, promotion and implementation of the Convention. The Committee recommends that the State party strengthen its efforts to ensure greater coordination between those ministries and departments responsible for the implementation of the Convention.**

Independent monitoring mechanism

13. The Committee welcomes with appreciation the State party's establishment of the South African Human Rights Commission which is mandated to promote the observance of fundamental human rights at all levels of society. The Committee notes that the Commission also has powers to conduct investigations, issue subpoenas and hear testimony under oath. The Committee is concerned, however, that insufficient resources have been allocated to allow the Commission to carry out its mandate effectively. Additionally, the Committee notes with concern that the work of the Commission continues to be hampered by, inter alia, red tape and the need for additional legislative reform. The Committee is also concerned at the absence of a clear procedure to register and address complaints from children concerning violations of their rights under the Convention. **The Committee encourages the State party to take effective measures to ensure that adequate resources (both human and financial) are allocated to ensure the effective functioning of the South African Human Rights Commission. The Committee recommends that the State party establish clear child-friendly procedures to register and address complaints from children regarding violations of their rights and to guarantee adequate remedies for such violations. The Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a procedure.**

Data collection

14. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly**

vulnerable, including girls; children with disabilities; child labourers; children living in remote rural areas, including Eastern Cape, Kwa Zulu-Natal and the Northern region, as well as other disadvantaged Black communities; children belonging to the Khoi-Khoi and San communities; children working and/or living on the streets; children living in institutions; children of economically disadvantaged families; and refugee children. Technical assistance in this area from, inter alia, UNICEF is encouraged.

Budgetary allocations

15. The Committee welcomes the initiative of the State party to introduce the practice of "costing" new legislation to ensure its sustainability in terms of, inter alia, financing. The Committee notes that the State party is currently "costing" the draft juvenile justice bill to determine its financial sustainability. The Committee notes the challenges faced by the State party in addressing the social and economic legacy of apartheid, particularly among previously disadvantaged communities. The Committee also notes the efforts of the State party in establishing a Children's Budget Project to monitor government expenditure with respect to children's programmes with a view to improving the impact of expenditure on the lives of children. In light of article 4 of the Convention, the Committee remains concerned about the insufficient efforts made to ensure the adequate distribution of resources allocated for children's programmes and activities. **In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations and distributions to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

Dissemination and awareness raising

16. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents, and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, in both rural and urban areas. In this regard, it encourages the State party to reinforce its efforts to make the Convention available in local languages and to promote and disseminate its principles and provisions through the use of, inter alia, traditional methods of communication. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of traditional community leaders as well as professional groups working with and for children, such as health personnel, including psychologists, social workers, officials of central or local administration, and personnel of child-care institutions. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

2. Definition of the child

Criminal responsibility and sexual consent

17. While the Committee notes that the State party has drafted legislation to increase the legal minimum age for criminal responsibility from 7 to 10 years, it remains concerned that a legal minimum age of 10 years is still a relatively low age for criminal responsibility. The Committee is also concerned that the legal minimum ages for the sexual consent of both boys (14) and girls (12) are low and that legislation concerning this issue is discriminatory against girls. **The Committee recommends that the State party reassess its draft legislation on criminal responsibility with a view to increasing the proposed legal minimum age (10 years) in this regard. The Committee also recommends that the State party increase the legal minimum ages for sexual consent for both boys and girls and ensure non-discrimination against girls in this regard.**

3. General principles

Non-discrimination

18. While the Committee notes that the principle of non-discrimination (article 2) is reflected in the new Constitution as well as in domestic legislation, it is still concerned that insufficient measures have been adopted to ensure that all children are guaranteed access to education, health and other social services. Of particular concern are certain vulnerable groups of children, including Black children, girls, children with disabilities, especially those with learning disabilities, child labourers, children living in rural areas, children working and/or living on the streets, children in the juvenile justice system, and refugee children. **The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.**

Respect for the views of the child

19. While the Committee recognizes the efforts of the State party in promoting respect for the views of the child and encouraging child participation, it is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, particularly in the provinces and at the local level. **The Committee encourages the State party to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems. The Committee recommends that the State party train teachers to enable students to express their views, particularly in the provinces and at the local level.**

4 Civil rights and freedoms

Birth registration

20 The Committee notes that the Births and Deaths Act provides for the registration of all children at birth and that recent initiatives have been undertaken to improve and facilitate the process of birth registration, particularly in rural areas. However, the Committee is concerned that many children are still not registered. **In light of articles 7 and 8 of the Convention, the Committee encourages the State party to continue its efforts through, inter alia, mobile clinics and hospitals, to ensure that birth registration is made accessible to all parents within the State party. The Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.**

Torture, or other cruel, inhuman or degrading treatment or punishment

21 While recognizing the efforts of the State party to train the police on the treatment of detainees and the non-use of unnecessary force, the Committee is concerned about the high incidence of police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity. **The Committee recommends that all appropriate measures be taken to fully implement the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee further recommends that greater efforts be made to prevent police brutality and ensure that child victims are provided adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned.**

5 Family environment and alternative care

Parental guidance

22 The Committee notes with concern the increasing number of single-parent and child-headed families and the impact (both financial and psychological) on children. The insufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. **The State party is encouraged to increase its efforts in developing family education and awareness through, inter alia, providing support, including training for parents, especially single parents, in parental guidance and joint parental responsibilities, in light of article 18 of the Convention. The Committee recommends that the State party take all necessary measures to reduce and prevent the increasing number of child-headed households and to introduce adequate support mechanisms for existing child-headed families. The Committee further recommends that the State party undertake a study on the situation of single parent, polygamous and child-headed families with a view to assessing the impact on children.**

Maintenance

23. While the Committee notes that legislation has been enacted to provide for the recovery of maintenance for the child, it is concerned that insufficient measures have been taken to ensure

the enforcement of maintenance orders. **In light of article 27 of the Convention, the Committee recommends that the State party take effective measures to ensure compliance with maintenance orders and the recovery of maintenance for the child.**

Welfare services

24. The Committee notes the recent initiative of the State party to institute a Child Support Grant which aims to provide greater financial support to children from the most economically disadvantaged families. The Committee remains concerned about the phasing-out of the Maintenance Grants and the potential impact for economically disadvantaged women and children who currently benefit from the programme. **The Committee recommends that the State party expand its Child Support Grant programme or develop alternative programmes to include support to children up to the age of 18 years, who are still in school. The Committee encourages the State party to take effective measures to ensure the continuation of support programmes for economically disadvantaged families.**

Alternative care

25. With respect to the situation of children deprived of a family environment, the Committee expresses its concern about the insufficient number of alternative care facilities in previously disadvantaged communities. Concern is also expressed about the insufficient monitoring of placements and the limited number of qualified personnel in this field. The Committee further notes with concern the inadequate monitoring and evaluation of placements in the foster care programme. **The Committee recommends that the State party develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts in providing support, including training for parents, to discourage the abandonment of children. The Committee further recommends that the State party ensure adequate periodic review of placements in the foster care programme.**

Domestic and intercountry adoptions

26. While the Committee notes that the Child Care Act (1996) provides for the regulation of adoptions, it is concerned at the lack of monitoring with respect to both domestic and intercountry adoptions as well as the widespread practice of informal adoptions within the State party. The Committee is also concerned at the inadequate legislation, policies and institutions to regulate intercountry adoptions. **In light of article 21 of the Convention, the Committee recommends that the State party establish proper monitoring procedures with respect to both domestic and intercountry adoptions and introduce adequate measures to prevent the abuse of the practice of traditional informal adoptions. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to ensure the effective regulation of intercountry adoptions. The Committee further encourages the State party to reinforce its efforts to finalize its ratification of the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Domestic violence, ill-treatment and abuse

27. The Committee notes the enactment of the Child Care Act and the Prevention of Family Violence Act to provide greater protection for children. The Committee also notes the recent introduction of the National Crime Prevention Strategy which focuses on crimes against women and children as well as the Victim Empowerment Programme which promotes the empowerment of victims of abuse, especially women and children. However, the Committee remains gravely concerned about the high incidence of domestic violence, ill-treatment and abuse of children, including sexual abuse within the family. **In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse to understand the scope and nature of these practices. The Committee also recommends that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence, ill-treatment and abuse and further adopt adequate measures and policies to contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings; the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Corporal punishment

28. While the Committee is aware that corporal punishment is prohibited by law in schools, care institutions and the juvenile justice system, it remains concerned that corporal punishment is still permissible within families and that it is still regularly used in some schools and care institutions as well as generally within society. **The Committee recommends that the State party take effective measures to prohibit by law corporal punishment in care institutions. The Committee further recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and change cultural attitudes to ensure that discipline is administered in a manner consistent with the child's dignity and in conformity with the Convention. It is also recommended that the State party take effective measures to prohibit by law the use of corporal punishment in the family and, in this context, examine the experience of other countries that have already enacted similar legislation.**

6. Basic health and welfare

Primary health care

29. The Committee notes the State party's recent initiatives to improve the general situation of health and health services for children, including the introduction of the Integrated Management of Childhood Illnesses (IMCI) initiative and the provision of free health care to children under the age of six years and to pregnant and lactating women. However, the

Committee remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human). The Committee is also concerned that the survival and development of children within the State party continue to be threatened by early childhood diseases such as acute respiratory infections and diarrhoea. The Committee is also concerned about the high incidence of child and infant mortality as well as maternal mortality, the high rate of malnutrition, vitamin A deficiency and stunting, the poor situation of sanitation, and insufficient access to safe drinking water, especially in rural communities. **The Committee recommends that the State party reinforce its efforts to allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, particularly in rural areas. In this context, the Committee recommends that the State party facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to continue its technical cooperation with respect to the IMIC initiative and, where necessary, to pursue additional avenues for cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.**

Environmental health

30. Concern is expressed at the increase in environmental degradation, especially as regards air pollution. **The Committee recommends that the State party increase its efforts to facilitate the implementation of sustainable development programmes to prevent environmental degradation, especially as regards air pollution.**

Adolescent health

31. The Committee expresses concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including teenage pregnancies, abortions, drugs and substance abuse, including alcohol and tobacco use, accidents, violence, and suicide. The Committee expresses its concern at the lack of statistical data on the situation of children with mental health concerns as well as the insufficient policies and programmes for these children. The Committee notes that while the State party has taken a tough anti-smoking stance with the introduction of strong legislation in 1991 and amendments in 1999 to control the supply of tobacco, many under-age smokers are still able to buy tobacco products. While the Committee notes that the State party has launched a Partnership Against HIV/AIDS Programme (1998) which aims, inter alia, to establish counselling and treatment centres for people living with HIV/AIDS and sexually transmitted diseases (STDs), it remains concerned about the high and increasing incidence of HIV/AIDS and STDs. **The Committee recommends that the State party take effective measures to ensure that legislation is fully implemented and enforced, particularly as regards the use of tobacco products. The Committee recommends that the State party reinforce adolescent health policies, particularly with respect to accidents, suicide, violence and substance abuse. It is also recommended that the State party undertake a study to assess the situation of children with mental health concerns and introduce programmes to guarantee adequate care and protection for them. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to**

develop youth-friendly counselling, care and rehabilitation facilities for adolescents that would be accessible, without parental consent where this is in the best interests of the child. The Committee recommends the reinforcement of training programmes for youth on reproductive health, HIV/AIDS and STDs. These programmes should be based not only on gaining knowledge, but also on the acquisition of competencies and life skills that are essential to the development of youth. The Committee further recommends the full participation of youth in the development of strategies to respond to HIV/AIDS at the national, regional and local levels. Particular emphasis should be placed on changing public attitudes toward HIV/AIDS and identifying strategies to address the continued discrimination experienced by children and adolescents infected with HIV.

Children with disabilities

32. The Committee expresses concern regarding the inadequate legal protection, programmes, facilities and services for children with disabilities, particularly mental disabilities. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on children with disabilities (see A/53/41, chap. IV, sect. C), it is recommended that the State party reinforce its early identification programmes to prevent disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.**

Traditional practices

33. The Committee is concerned that male circumcision is carried out, in some instances, in unsafe medical conditions. The Committee is also concerned about the traditional practice of virginity testing which threatens the health, affects the self-esteem, and violates the privacy of girls. The practice of female genital mutilation (FGM) and its harmful effects on the health of girls is also an issue of concern for the Committee. **The Committee recommends that the State party take effective measures, including training for practitioners and awareness-raising, to ensure the health of boys and protect against unsafe medical conditions during the practice of male circumcision. The Committee also recommends that the State party undertake a study on virginity testing to assess its physical and psychological impact on girls. In this connection, the Committee further recommends that the State party introduce sensitization and awareness-raising programmes for practitioners and the general public to change traditional attitudes and discourage the practice of virginity testing in light of articles 16 and 24 (3) of the Convention. The Committee recommends that the State party strengthen its efforts to combat and eradicate the practice of FGM and to carry out sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.**

7. Education, leisure and cultural activities

34. The Committee notes the recent efforts of the State party to improve the situation of education, including the enactment of the Schools Act (1996), the introduction of an integrated

National Primary School Nutrition Programme, and the launching of "Curriculum 2005" which is intended, inter alia, to correct the disparities in access to education. While noting that the law provides for compulsory education between the ages of 7 and 15 years, the Committee is concerned that primary education is not free. Concern is also expressed that inequality in access to education remains in some areas, particularly among Black children, girls and children from economically disadvantaged families, many of whom still do not attend school. The Committee is concerned about the continued practice of discrimination in some schools, particularly against Black children in racially mixed schools. With respect to the general situation of education, the Committee notes with concern the extent of overcrowding in some areas; high drop-out, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of textbooks and other materials; insufficient number of trained teachers, particularly in traditionally Black communities; and low morale of teachers. The Committee notes with concern that many children, especially in Black communities, do not enjoy the right to leisure, recreation and cultural activities. **The State party is encouraged to continue its efforts to promote and facilitate school attendance, particularly among previously disadvantaged children, girls and children from economically disadvantaged families. In light of article 28 of the Convention, the Committee recommends that the State party take effective measures to ensure that primary education is available free to all. The Committee recommends that the State party take additional measures to ensure non-discrimination within the school environment. The Committee further recommends that effective measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education. In light of article 31, the Committee recommends that the State party take effective measures to ensure that children, especially those in Black communities, enjoy the right to leisure, recreation and cultural activities.**

8. Special protection measures

Refugee and asylum-seeking children

35. While the Committee notes recent legislative reform to guarantee greater protection of the rights of refugee and asylum-seeking children, it remains concerned about the absence of formal legislative and administrative measures to ensure family reunification and to guarantee the right of access to education and health for refugee children. **The Committee recommends that the State party develop a legislative and administrative framework to guarantee and facilitate family reunification. Additionally, it is recommended that the State party implement policies and programmes to guarantee adequate access to all social services for refugee and asylum-seeking children. The Committee further recommends that the State party reinforce its efforts to finalize its adoption of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.**

Children in armed conflict

36. The Committee is concerned that insufficient efforts have been made to introduce adequate programmes to facilitate the rehabilitation of children affected by armed conflict during the apartheid era, whose situation is reflected in the current high levels of violence and crime within the State party. **The Committee recommends that the State party take all appropriate measures to introduce new and reinforce existing programmes to facilitate the rehabilitation and reintegration of children affected by armed conflict.**

Child labour

37. The Committee notes that the State party has signed a memorandum of understanding with the International Programme for the Elimination of Child Labour of the ILO to undertake a national survey with a view to compiling comprehensive national child labour statistics. While the Committee notes the State party's efforts to bring domestic legislation into conformity with international labour standards, it is concerned that over 200,000 children between the ages of 10 and 14 years are currently engaged in work, mainly commercial agriculture and domestic service. **The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation. The Committee also recommends that the State party reinforce its efforts to ratify the Worst Forms of Child Labour, 1999 (No. 182) of the ILO.**

Drug and substance abuse

38. The Committee is concerned with the high and increasing incidence of drug and substance abuse among youth and the limited psycho-social and medical programmes and services available in this regard. **In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be reinforced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also recommends that the State party develop a national drug control plan with the guidance of the United Nations Drug Control Programme. The Committee also encourages the State party to support rehabilitation programmes dealing with child victims of drug and substance abuse. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF and WHO.**

Sexual exploitation

39. While noting the efforts of the State party to implement legislation, policies and programmes to prevent and combat the sexual exploitation of children, the Committee remains concerned at the high incidence of commercial sexual exploitation. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State**

party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children.

Sale, trafficking and abduction of children

40. The Committee notes the efforts of the State party to address the situation of the sale, trafficking and abduction of children, including the adoption of the Hague Convention on Civil Aspects of International Child Abduction, into domestic legislation. However, the Committee is concerned about the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate measures to enforce legislative guarantees and to prevent and combat this phenomenon. **In the light of article 35 and other related provisions of the Convention, the Committee recommends that the State party take effective measures to strengthen law enforcement, and intensify efforts to raise awareness in communities about the sale, trafficking and abduction of children. The Committee further recommends that the State party seek to establish bilateral agreements with neighbouring countries to prevent the sale, trafficking and abduction of children and to facilitate their protection and safe return to their families.**

Minority groups

41. The Committee notes that domestic legislation guarantees the cultural, religious and linguistic rights of children, particularly as regards education and adoption procedures. The Committee further notes the State party's intention to establish a Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities as a first step in guaranteeing greater protection to minorities. However, the Committee is concerned that customary law and traditional practice continue to threaten the full realization of the rights guaranteed to children belonging to minority groups. **The Committee recommends that the State party undertake all appropriate measures to ensure that the rights of children belonging to minority groups, including the Khoi-Khoi and San, are guaranteed, particularly those rights concerning culture, religion, language and access to information.**

Juvenile justice

42. While the Committee welcomes the recent efforts to improve juvenile justice, it is concerned that the juvenile justice system does not cover all regions of the State party. The Committee is further concerned about:

(a) The lack of an efficient and effective administration of juvenile justice and in particular its lack of compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time taken before juvenile cases can be heard and the apparent lack of confidentiality accorded to such cases;

(c) The use of detention as other than a last resort;

(d) The overcrowding in detention facilities;

(e) The holding of minors in adult detention and prison facilities, the lack of adequate facilities for children in conflict with the law, and the limited numbers of trained personnel to work with children in this regard;

(f) The lack of reliable statistical data on the number of children in the juvenile justice system;

(g) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system; and

(h) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

The Committee recommends that the State party:

(a) Take additional steps to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

9. Dissemination of the reports of the Committee

43. Finally, **the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**